

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

ONE WISCONSIN INSTITUTE, INC., et al.,

Plaintiffs,

v.

Case No. 15-CV-324

MARK L. THOMSEN et al.,

Defendants.

COMMON CAUSE, COMMON CAUSE
WISCONSIN, BENJAMIN R.
QUINTERO,

Plaintiffs,

v.

Case No. 19-CV-323

MARK L. THOMSEN, *et al.*,¹

Defendants.

THE ANDREW GOODMAN FOUNDATION
AND AMANDA SCOTT,

Plaintiffs,

v.

Case No. 19-CV-955

MARGE BOSTELMANN, JULIE M.
GLANCEY, ANN S. JACOBS, DEAN

¹ The Complaint in *Common Cause* names the Commissioners of the Wisconsin Elections Commission as Defendants, including Jody Jensen and Beverly Gill, who are no longer Commissioners. Under Federal Rule of Civil Procedure 24(d), their successors Marge Bostelmann and Robert F. Spindell, Jr. are automatically substituted as Defendants.

KNUDSON, ROBERT F. SPINDELL, JR., and
MARK L. THOMSEN, in their official capacities
as Wisconsin Elections Commissioners,

Defendants.

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF WISCONSIN

JUSTIN LUFT, et al.,

Plaintiffs,

v.

Case No. 11-CV-1128

TONY EVERS, et al.,

Defendants.

DEFENDANTS' MOTION TO CONSOLIDATE

Defendants in the above captioned cases, by their attorneys, and pursuant to Federal Rule of Civil Procedure 42(a), hereby move to consolidate the above cases. Defendants request that *One Wisconsin Inst. Inc. v. Jacobs*, Case No. 15-CV-324 (W.D. Wis., Judge Peterson) and *Luft v. Evers*, Case No. 11-CV-1128 (E.D. Wis., Judge Peterson) be consolidated for discovery and trial; that *Common Cause v. Thomsen*, Case No. 19-CV-323 (W.D. Wis., Judge Peterson) and *The Andrew Goodman Found. v. Bostelmann*, Case No. 19-CV-955 (W.D. Wis., Judge Conley) be consolidated for discovery and trial; and that all four cases—*One Wisconsin*, *Luft*, *Common Cause*, and

Andrew Goodman—be consolidated to the extent any proceedings are contemplated ahead of the November 3, 2020 election.

As a basis for this motion, Defendants incorporate by reference their brief in support of this motion to consolidate, which is filed herewith.

Additionally, Defendants request an order scheduling response and reply deadlines for this Motion. *Luft v. Evers* is pending in the Eastern District of Wisconsin, which has a local rule establishing response and reply deadlines. Civil L.R. 7 (E.D. Wis.) On July 31, that case was reassigned to Judge Peterson of the Western District to be considered along with *One Wisconsin*, but the case remains docketed in the Eastern District. (*Luft v. Evers* 11-CV-1128 Dkt. 353.) This causes uncertainty over when a response or reply is due and highlights the need for consolidation of the cases that are pending in different courts but now assigned to one judge. Defendants request that the Western District establish response and reply deadlines for this Motion.

Dated this 11th day of August, 2020.

Respectfully submitted,

ERIC J. WILSON
Deputy Attorney General of Wisconsin

Electronically signed by:

s/ S. Michael Murphy
S. MICHAEL MURPHY
Assistant Attorney General
State Bar #1027796

JODY J. SCHMELZER
Assistant Attorney General
State Bar #1027796

GABE JOHNSON-KARP
Assistant Attorney General
State Bar #1084731

CLAYTON P. KAWSKI
Assistant Attorney General
State Bar #1066228

Attorneys for Defendants

Wisconsin Department of Justice
Post Office Box 7857
Madison, Wisconsin 53707-7857
(608) 266-5457 (Murphy)
(608) 266-3094 (Schmelzer)
(608) 267-8904 (Johnson-Karp)
(608) 266-8549 (Kawski)
(608) 267-2223 (Fax)
murphysm@doj.state.wi.us
schmelzerjj@doj.state.wi.us
johnsonkarpg@doj.state.wi.us
kawskicp@doj.state.wi.us